

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:**

**RAFAIL THEOKARY**  
**Debtor(s)**

**Chapter 7**

**Bky. No. 07-11008ELF**

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**RAFAIL THEOKARY**  
**Plaintiff(s)**

**v.**

**TOM SHAY, ERIC ABBATIELLO d/b/a**  
**ABBATIELLO RACING STABLES,**  
**SHOWPLACE FARMS,**  
**GAITWAY FARM, INC. and**  
**any John Does (1-10) entities or legal**  
**entities that become known after filing**

**Defendant(s)**

**Adv. No. 09-0051ELF**

**:**

**O R D E R**

**AND NOW, Rafail Theokary having filed a dispositive motion (*Docket Entry No.32*),**

**AND, Rafail Theokary having self-scheduled a hearing on the Motion on *April 2, 2009*,**

**AND, L.B.R. 7005-1 providing that L.B.R. 9014-3(c) applies to motions filed in adversary proceedings,**

**AND, L.B.R. 9014-3(c) providing that prior to filing a motion, a party shall obtain a hearing date in the manner provided in L.B.R. 5070-1,**

**AND, L.B.R. 5070-1(a) requiring that a person filing a motion “consult with the courtroom deputy” to obtain a hearing date on the judge’s calendar,**

**AND, the standard practice before the undersigned judge, as set forth on the court website ([http://www.paeb.uscourts.gov/pages/frank/ef\\_calendar.htm](http://www.paeb.uscourts.gov/pages/frank/ef_calendar.htm)) and in the automated telephonic message prepared by the courtroom deputy being that hearing dates will be assigned to dispositive motions only after the responses to such motions have been filed,**

**It is hereby ORDERED that the hearing scheduled for April 2, 2009 is CANCELED.**

Date:

4/1/09

  
**ERIC L. FRANK**  
**U.S. BANKRUPTCY JUDGE**